

JAN. 12. 2006 4:09PM
TO:USPTO, CENTRAL, FAX

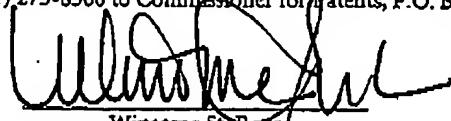
RMS Patent Department

NO. 189 P. 1/2

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that these papers (along with any paper referred to as being transmitted therewith) are being transmitted via facsimile (571)273-8300 to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Atty Docket No. 21339-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:)
Dieter Heindl, et al.) EXAMINER: Amanda Marie Shaw
SERIAL NO.: 10/635,171) ART UNIT: 1634
FILED: August 6, 2003)
FOR: IMPROVED FLUORESCENT RESONANCE ENERGY TRANSFER PROBES) Confirmation No 1366
)

RESPONSE UNDER 35 U.S.C. 121

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement mailed January 3, 2006, Applicants elect for further prosecution without traverse and solely to facilitate prosecution, Invention I, claims 1-15, 27, drawn to a pair of FRET hybridization probes and reaction mixtures and kits that contain FRET hybridization probes, classified in class 422, subclass 61.

Applicants reserve the right to prosecute Invention II, claims 16-21 and Invention III, claims 22-26, in either divisional or continuation applications.

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RMS Patent Department

NO. 189 P. 2/2

Atty Docket 21339-US
Serial No. 10/635,171
Response to Restriction Action
Page 2 of 2

Please direct all future correspondences to:

Customer No. 22829
Roche Molecular Systems, Inc.
Patent Department
1145 Atlantic Avenue
Alameda, California 94501

Applicants believe no fee is due for filing this response, however, should any fee be due, the Commissioner is hereby authorized to charge those fees to U.S. Deposit Account No. 50-0812.

Respectfully submitted,

By: 
Rhea C. Nersesian
Reg No. 55,488

Date: January 12, 2006

Correspondence Address
Roche Molecular Systems, Inc.
1145 Atlantic Avenue
Alameda, California 94501
Tele: 510-814-2800
Fax: 510-814-2973